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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 WILLIE BANKS, SR.,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, et al.,

12 Defendants.

No. C09-5449 RBL/KLS

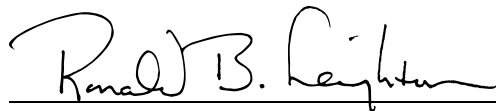
**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

13 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen  
14 L. Strombom, objections to the Report and Recommendation, if any, and the remaining record,  
15 does hereby find and ORDER:  
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- 17 (1) The Court adopts the Report and Recommendation.  
18 (2) Plaintiff's First Amended Complaint (Dkt. 10) is **dismissed without prejudice,**  
19 **and the dismissal counted as a strike pursuant to 28 U.S.C. 1915 (g).**  
20 (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon.

21 Karen L. Strombom.  
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23 DATED this 13<sup>th</sup> day of November, 2009.

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26 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE